

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROBERT L. SANFORD,

**Plaintiff,**

V.

GAVIN NEWSOM, et al.,

## Defendants.

Case No. 1:22-cv-01100-KES-CDB (PC)

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION FOR PLAINTIFF'S FAILURE TO  
STATE A CLAIM, FAILURE TO  
PROSECUTE, AND FAILURE TO OBEY  
COURT ORDERS**

(Doc. 27)

Plaintiff Robert L. Sanford is a state prisoner proceeding pro se in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 11, 2023, the assigned magistrate judge issued findings and recommendations, recommending that this action be dismissed, with prejudice, for Plaintiff's failure to state a claim upon which relief can be granted, failure to obey court orders and failure to prosecute this action. Doc. 27. The magistrate judge found that Plaintiff's fourth amended complaint fails to state a cognizable Eighth Amendment claim against any defendant, as reflected in the Court's second screening order filed August 25, 2023.<sup>1</sup> Docs. 22, 27. Further, despite

<sup>1</sup> As the findings and recommendations note, Defendants removed this action from state court to this Court on the third amended complaint (Doc. 1), and Plaintiff's amended complaint filed in this Court (Doc. 21) was therefore the fourth amended complaint. Doc. 27 n.1.

1 granting Plaintiff's request for additional time within which to file a fifth amended complaint to  
2 cure the identified deficiencies, Plaintiff has failed to file a fifth amended complaint and the time  
3 to do so has passed. Docs. 25, 27.

4         The findings and recommendations were served on Plaintiff and contained notice that any  
5 objections were to be filed within fourteen (14) days of service. Doc. 27. No objections have  
6 been filed, and the deadline to do so has passed.

7         In accordance with 28 U.S.C. § 636(b)(1), this Court conducted a de novo review of this  
8 case. Having reviewed the file, the Court finds the findings and recommendations to be  
9 supported by the record and proper analysis, including the findings in the magistrate judge's  
10 second screening order (Doc. 22).

11         Accordingly, IT IS HEREBY ORDERED that:

- 12             1. The findings and recommendations issued December 11, 2023, Doc. 27, are  
13                     ADOPTED IN FULL;  
14             2. This action is DISMISSED for Plaintiff's failure to state a claim, failure to obey court  
15                     orders, and failure to prosecute this action; and  
16             3. The Clerk of the Court is directed to close this case.

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19         IT IS SO ORDERED.

20         Dated: April 5, 2024

  
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UNITED STATES DISTRICT JUDGE

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